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ABSTRACT

When a child has lost his or her permanent housing and experiences the stress of a family crisis, the additional loss of a familiar school and its context may well be devastating. A basic educational need of children is continuity and stability in schooling. Yet most children (142 Chicago, Illinois families in shelters) interviewed in this investigation attended three or more schools in the 1990-1991 school year. The consequences of these problems are obvious and unrelenting: truancy, failure and dropouts, repeating a grade year, failing to obtain credit for time served, being routed to a track of school failure. The social cost is calamitous. Not a single parent or child interviewed had been offered a choice of continuing enrollment in their home school. None had heard of the McKinney Act or been informed of options by school personnel or shelter employees. Yet more than two-thirds of the parents indicated that they would prefer to have their children continue at their home schools. No family interviewed received transportation assistance to school, except for children in special education schools. Basic provisions of the law are not being implemented. Nine appendixes provide supplemental information and present some correspondence related to homeless children. (SLD)

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ED 378 250

"Sometimes I feel
like a motherless child,
A long way from home..."

Traditional Spiritual

A LONG WAY FROM HOME:
CHICAGO'S HOMELESS CHILDREN AND THE SCHOOLS

by Bernardine Dohrn

A Report prepared for the Homeless Advocacy Project
Legal Assistance Foundation of Chicago
Funded by a grant from the
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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

This is for the Ramsey family

who retaught me the meaning of courage.

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Executive Summary

The acceptance of shelter accommodations is for most families a final and desperate act to keep their families together. Yet parents and children are humiliated for their efforts, infantalized, and all but stripped of their resourcefulness. Families and the women and children who lose their housing do not identify themselves publicly as homeless, furthering the invisibility of the crisis. To the extent that the social welfare system forces the label of "homeless" on families and children, it is a deficit and an embarrassment, stigmatizing a small subgroup of a much larger population of the transient poor.

When a child has lost his or her permanent housing and experiences the stress of a family crisis, the additional loss of a familiar school and its context may well be devastating. A basic educational need of children is continuity and stability in schooling. Yet most children from families in shelters interviewed in this investigation attended three or more schools within the 1990-1991 school year. The consequences of these problems are obvious and unrelenting: truancy, failure and drop-outs; repeating a grade year, failing to obtain credit for time served, being routed to a track of school

failure. The social cost is calamitous.

School administrators and principals are unaware of the existence of homeless children in their schools and without knowledge of their rights enumerated in the McKinney Act. More significantly, not a single parent or child interviewed had been offered a choice of continuing school enrollment in their home school, none had heard of the McKinney Act or been informed of options by school personnel or shelter employees. Yet more than 2/3 of the parents indicated that they would prefer to have their child continue at their home school, and would have done so if they had known it was possible, or had they been offered some form of transportation. No family interviewed received transportation assistance to school, except families whose children attended special education schools. The basic provisions of the law are not being implemented.

Introduction

Practice season for the Tigers' Little League team begins in early spring. Two brothers, Dujuan and Karan, aged 12 and 10, failed to appear at the first two practice games. Dujuan is a speedster with a quick bat, graceful on the field, a radiant smile; his younger brother Karan is silent, tentative and talented. These are sweetheart kids, good athletes and a family I'd known

since Pee Wee League. When I called their parents, the phone was disconnected. My co-coach went to their address where the landlord said that the Ramseys had been evicted. He added that the family had too many children for that apartment. Not knowing what else to do, we arranged with the league for a scholarship for Dujuan and Karan. The next week, the boys appeared at practice, silent and adorable, eager to play. When asked where they were living and going to school, Dujuan said that they were living nearby and going to their same school. Their mother had an adorable new baby and the teenage daughter, Lauren, looked suddenly grown-up. Our raggedy Tigers team began to jell.

Toward the end of May, as we neared the beginning of the official season, I visited a homeless shelter on the far North side of the city. The counselor there, knowing I was interested in talking to families with school-age children, told me they had a family with five children and plenty of education problems. When she went to look for Sheila, the mom, she found that she had just left for the South side to take her sons to baseball practice. I felt as though I'd been punched in the stomach as I asked their names -- it was clear that this was the family we'll call the Ramseys, the baseball family.

Suddenly, I had new eyes. When I arrived at practice and saw Dujuan and Karan warming up with my own

sons, it was clear that they had been riding buses with their mom and the baby for two hours to get to practice. Their father usually arrived part way through practice, carrying five plastic shopping bags which he kept near him on the park bench. When my children and I left at 7:30 to get a late dinner at the nearby Thai restaurant, dusty and full of talk about the pitching rotation, I pictured the Ramseys still on the bus headed back to the shelter and wondered how they would eat dinner since the shelter kitchen would be closed when they got back. I felt that my work had landed in my life, and that the abstract notion of the growing number of homeless families had come home, close to home.

The Ramseys are perfect in many ways, defying the stereotypes and struggling to recover. Mr. Ramsey lost his job as night security guard sometime in January. As he tried to find another job during the recession, the family fell behind in rent while Mrs. Ramsey was pregnant with their fifth child. Their oldest and only daughter, Lauren, a treasure in their eyes, attended religious school where she had been a student for six years. She was excited about graduating from eighth grade in June. Dujuan and Karan attended the local public school, where the enrollment is 100% African-American. Now, all three school-age children were being re-enrolled in public schools on the North side near their homeless shelter,

even though it was the last weeks of the school year. Lauren was distraught because she was missing eighth grade graduation at her old school. She hated entering a new school in May and walking through graduation with strangers. I made a vain, last-ditch attempt to have her graduate at her old school; her family owed tuition, and she had missed much of the last semester. The school had no idea that the family was homeless or in crisis and concluded that it was now too late to graduate her. The boys continued to arrive for Tigers games in clean uniforms and eager to play. Their family walked around the park with other families, hopeful, proud of their children, all pretending that their lives were as normal as the baseball season. But the effort involved in their family just being there several times a week continued to floor me.

It is not clear how this family will recover. They were not previously on public aid. Mr. Ramsey is not able to stay in the shelter with his family -- ironically, the very struggle of families to stay together is undermined by a shelter system that discourages family integrity. Like all but two of the twenty-four homeless family shelters in Chicago, this shelter is for women and children only. I never discovered where Mr. Ramsey stayed. Dujuan, luckily, is small for his age and his mother was able to keep him

with her and the children. Male boys twelve years old and over are not allowed to stay at the "family" shelters either.

This is the Ramsey's third shelter since January. Sheila Ramsey, Lauren, Dujuan, Karan, their brother and the baby sleep in a large room that houses 55 women and children in bunk beds lined up with 3 feet between them. Despite the physical set-up, the shelter is one of the best -- children-friendly, flexible with families, offering some first rate social services, concerned about individual families. What happens after the 120 day limit at this shelter? This is the Ramseys third shelter since January... Where will Lauren begin high school, and the boys enroll in the autumn?

"She's just like you and me
but she's homeless...

Homeless
by Gypsy Woman

Masking the Problem: The Language of Homelessness

For five months, I interviewed women and children at homeless family shelters about their educational needs and their experiences with schools. As always, there were children who caught my attention and women who stood out in my mind. Often I tried to explain to my own family who these people seemed to be, and how an ordinary

crisis could catapult a family into a web of difficulty from which it was all but impossible to emerge. By the time a family has arrived at a 90-day homeless shelter, they have exhausted a range of other efforts with family and friends who are also too poor to offer long-term support. The acceptance of shelter accommodations is a final and desperate attempt to keep their family intact. Sadly, rather than finding in the private or public support system any recognition of these creative and determined sacrifices, women are instead humiliated for their efforts, infantilized, and all but stripped of their resourcefulness. The bravery and every-morning courage of women getting their children dressed in a huge dormitory of families, getting them to school, and going out into Chicago to look for an apartment, struck me repeatedly.

Within the first several interviews, I discovered that no one I spoke with identified themselves as homeless. Deeper investigation has confirmed that the word "homeless" has multiplied the problem without facilitating remedies. Families and the women and children who lose their housing do not refer to themselves as homeless. They are in a housing crisis, without permanent housing, have lost their apartment or are between apartments, fleeing an abuser, staying with family, getting it together, saving money, looking for a

new apartment. To the extent that the public and private welfare system forces the language of homelessness upon them, it is a shame and an embarrassment. It is not reported by mothers or children back in their home neighborhood. Almost no one returns to their home school to tell the principal that the family is homeless. School officials and teachers can identify no homeless population at their schools, even when they have 60% turnover or mobility within a school year. Only the homeless shelter network, welfare and public housing insist on the language of homelessness. And most simply, for mothers who have kept their children with them, who continue to provide for them, keep them together, send them to school and hope that tomorrow will be better -- it connotes a deficit that they steadfastly refuse to acknowledge.

In addition, the language of homelessness, at least as applied to families, hides the enormous population of families doubled up with relatives, staying with friends, moving just ahead of the sheriff's department every few months, living in abandoned buildings or cars, or spending virtually their entire income on rent.[1] The

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[1] The definition of homeless, according to federal law, is very broad: "(1) An individual who lacks a fixed, regular and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is:

(a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations

language of homelessness isolates and stigmatizes a small subgroup when what has been created is a widespread crisis.[2]

As an example of the broader crisis, many of the elementary school personnel interviewed reported that their school transiency rate ranged from 30-65%.[3] The officially-reported average mobility or turnover rate in elementary schools in Chicago is 40.3%.[4] In concrete terms, in a second grade classroom of 30 children, 13 will have transferred to another school or be missing school before the end of the school year.[5] A vast

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(including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(b) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings." McKinney Homeless Assistance Act, 42 U.S.C. sec. 103(a).

[2] See, for example, Molnar, Rath, Klein, Lowe, and Hartmann, Ill Fares the Land: The Consequences of Homelessness and Chronic Poverty for Children and Families in New York City, Bank Street College of Education, 1991; and Elizabeth Blue Swadener, Children and Families "At Risk": Etiology, Critique, and Alternative Paradigms, presented at American Educational Research Association annual meeting, Boston, April, 1990.

[3] Interviews with personnel at ten Chicago public schools, June, 1991.

[4] Interview with G. Alfred Hess, Executive Director of the Chicago Panel on Public School Policy and Finance, September 12, 1991.

[5] The Board of Education of the Chicago Public Schools' method of compiling its "mobility rate" is to total the percentage of students who enroll in or transfer out of the school after October 1. Therefore, one homeless student who enters and leaves a school is counted twice: once, as enrolling in, and once as

proportion of the school age population, of whom the homeless are only a small part, contribute to this level of transiency within the public schools. The reported transiency and documented mobility figures indicate a large population of chronically impoverished families, moving frequently, leaving substandard housing and violence, attempting to pay rent above their income, going from crisis to crisis.[6] This rate of transiency in the schools has alarming implications for the growth and education of millions of children -- of whom the homeless are only a small part -- and has created a major crisis for teachers, schools, parents and citizens.

"Last night I heard the screaming
loud voices behind the wall.
Another sleepless night for me
It won't do no good to call
the police.
Always come late

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transferring out. In addition, the average includes magnet schools with a low turnover rate of 3-6% and child/parent center schools with turnover rates of 120%. Nonetheless, the bulk of schools near homeless shelters or with a high percentage of low income students report mobility rates of 55-70%. This indicator of transiency or instability in the Chicago public schools is alarming. Chicago Public Schools Data Book: School Year 1989-1990, Chicago Panel on Public School Policy and Finance, 1991.

[6] Many observers and researchers now frame the issues of homelessness in the larger phenomenon of chronic poverty. See the comparative study of children from homeless families and from chronically poor "housed" families: Molnar et. al.,supra. See also: Ford Foundation Project on Social Welfare and the American Future, The Common Good: Social Welfare and the American Future, New York, Ford Foundation, 1989; Edelman, M.W., Families in Peril: An Agenda for Social Change, Harvard University Press, Cambridge, MA., 1987.

If they come at all."

Tracy Chapman

Homelessness and Domestic Violence

Five of the shelters listed on the City of Chicago's Department of Human Services listing of homeless family shelters are domestic violence shelters.

There seemed to be no difference in populations between the domestic violence shelters and the regular homeless shelters. Exploration of the connection between domestic violence and family homelessness was beyond the purpose of this study. However, mothers in homeless shelters repeatedly told interviewers that escape from domestic violence was the direct cause of their "homelessness".[7] Two conclusions arise from this study: first, the population of homeless families living in shelters includes a significant percentage of women and/or children who are survivors of domestic violence. This has serious consequences for the organization and services of homeless family shelters and schools. Homeless shelters could benefit from the longer experience, point of view and generally higher quality of services, staff training and follow-up offered by the domestic violence shelters. Second, families fleeing an

[7] This is confirmed by an earlier Chicago study. See Promises Made, Promises Broken: The Crisis and Challenge: Homeless Families in Chicago, Chicago Institute on Urban Policy, Travelers & Immigrants Aid, 1990, pp. 120-122.

abuser may have very specific needs for school placement away from their previous neighborhood and school. This factor emerged from the project interviews.[8]

"How does it feel
to be without a home,
A complete unknown..."

Bob Dylan

The Texture of the Problem

How is the homeless crisis generally experienced by children and their families? Children who have lost their housing and are staying somewhere temporarily -- whether it is with relatives, in a shelter, in a car or on the streets -- have almost always also lost their school, their friends, their possessions and their daily routine. They have lost both the place they know as home and the school where they are known, recognized, and regularly see their friends. This comfortable sense of school as the familiar and the known is critical even if their school is below average in achievement or a difficult or dangerous place to be. When the context of home is lost and school disappears simultaneously, children are particularly adrift, enduring a sharp sense of loss.

Any school transfer, even in the optimum situation of a planned family move from one city to another or a

[8] See infra p. 25, pp. 28-30.

move involving upward mobility, involves a significant loss of learning time for a child.[9] When a child has also lost his or her permanent housing and experiences the stress of a family crisis, the additional loss of a familiar school and its context may well be devastating.[10] Thus, a basic educational need for children is continuity and stability in schooling. Yet most children from families interviewed by this project in homeless shelters in Chicago attended three or more schools within the 1990-1991 school year.[11]

Typically, a family who loses their apartment will move in with relatives. After some delay with transfer forms and records, the children are enrolled in the school nearest the aunt or grandmother and began attending a second school. Generally within months, this doubling-up arrangement with relatives unravels for a

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[9] Coles, R. Uprooted Children, Pittsburgh, PA: University of Pittsburgh Press, 1976; Kliman, G., Psychological Emergencies of Childhood, New York: Grune and Stratton, 1968; Nann, R. Uprooting and Surviving, Boston, MA: D. Reidel Publishing Company, 1982.

[10] Bassuk, Ellen; Rubin, Lenore; and Lauriat, A. "Characteristics of Sheltered Homeless Families", American Journal of Public Health, 76(9), 1986, pp. 1097-1101; Bassuk, Ellen; Rubin, Lenore, "Homeless Children: A Neglected Population.: Journal of Orthopsychiatry, vol. 57, no.2, 1987, pp. 279-285; Kozol, Jonathan Rachel and her Children: Homeless Families in America, New York: Crown, 1988; Garbarino, James No Place to Be a Child: Growing Up in a War Zone, Lexington, MA: Lexington Books, 1991.

[11] See infra p. 25. A study conducted by Loyola University and the Chicago Institute on Urban Poverty of Travelers & Immigrants Aid of Chicago concluded that 2/5 of the school age children of women in shelters had transferred more than twice during the school year. Conference roundtable, June 3, 1991.

variety of reasons: too many people living under crowded conditions, poverty spread too thin, differences over personal habits and hours, and the realization that finding a new apartment will not be a short-term matter. Families begin the homeless odyssey believing that it will be quickly -- if inadequately -- remedied. But for many, short term becomes long-term.[12]

Often a move into a friend's apartment follows the family's departure from a relative's home.[13] Chicago is a vast geographical city, with city limits themselves stretching across 228 square miles. Most likely, family moves involve different neighborhoods spread over great distances. Once at a friend's home, the children re-enroll in a third school and try to adapt.

This stay may be shorter than that with relatives, and the next stop is often an emergency shelter, such as the large emergency shelter on the North side of Chicago. This shelter holds 120 women and children and has a maximum stay of 30 days. While residing there, the children are required to attend the on-site classroom,

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[12] The length of stay varies with shelter rules, but it is estimated that the average length of stay at a homeless family shelter is 30-60 days. Many families, however, move from shelter to shelter. There is no data which tracks these families. Interview with Jackie Edens, Director of Homeless Services and Programs, City of Chicago, Department of Human Services, September 6, 1991.

[13] Chicago has the second highest population density rate in the United States (13,180 per square mile). Chicago Tribune, Sunday, September 22, 1991, Section 5, pp. 1,6.

operated as part of the Chicago Public Schools.[14]

Finally, the family graduates to a more stable shelter, where they can stay for 90-120 days and the children are re-enrolled in a school nearby the shelter. This would be their fifth school. Their records may no longer follow them promptly or at all; if they are high school age, courses will not be consistent, and credit will be lost; and frequently the children have lost heart about breaking into and connecting to another school environment.

Clearly, this level of transiency is itself disastrous to children's ability to learn, to focus and to achieve in school. Added on to other problems of family crisis, or other special needs in schooling, it is thoroughly destructive to a child.

Among the families in both homeless shelters and domestic violence shelters, many indicated a past or ongoing involvement with the state child welfare agency, the Illinois Department of Children and Family Services ("DCFS"), involving allegations of child neglect or abuse. A frequently stated concern was that DCFS would remove children from mothers because of being in a homeless shelter or "lack of adequate housing." Mothers who were currently under court order to obtain "adequate

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[14] This is in violation of federal and state law. See infra pp. 34-36.

housing" as a condition of reuniting with their children or continuing to maintain custody of their children were unaware of their right to obtain assistance in finding housing and cash for obtaining housing from DCFS.[15]

Furthermore, once in the shelter system a family has no provision for child care and is generally distant from relatives and friends who would provide short term drop-off care. This means that a mother must take her younger children with her to transport a school age child back to their home school, to obtain records or establish public aid, or to look for housing. Frequently, an older child is pressed into helping with child care because the primary family need is housing, not school attendance in an already "lost" year. Health concerns multiply in a shelter with so many young children and childhood diseases spread rapidly. Nutrition has been low in a family economically stretched to breaking. All these factors, in addition to a child's unease at another new school, lead to poor attendance, tardiness and failure to complete the school year.[16]

There are additional technical or administrative

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[15] Norman v. Suter, No.89 C 1624, (N.D.Ill. 1991), a case challenging the removal or threatened removal of children from parental custody based on inadequate or lack of housing, was settled in a consent decree approved March 28, 1991 in which DCFS agreed to provide such assistance.

[16] Rafferty, Yvonne, Developmental and Educational Consequences of Homelessness on Children and Youth, April, 1989, discussed infra pp. 49-52.

barriers to education for homeless children. These include obsolete[17] residency requirements which require a child to prove residency within certain boundaries in order to be able to enroll or stay in a particular school; long delays in obtaining immunization records, birth certificates, transfer forms from the previous school or school records [this problem is particularly severe for transfers from out-of-state]; comparable education services to those of other children, including special education benefits, before and after school programs, Head Start or pre-kindergarten programs, counselling or tutoring, bilingual or gifted programs, and free meal programs.

The consequences of these problems are obvious and unrelenting: truancy, school failure and drop-outs. Homeless children who miss significant amounts of schooling or transfer repeatedly in a given year are held back a grade, fail to obtain credit for time served in school, lose hope and are on a track of school failure. The personal devastation, particularly for a child trying to hold on to something familiar and with a future, is

[17] Twenty-six percent of Chicago's elementary school children and 53% of high school students no longer attend neighborhood schools. Half of these children who attend school outside of their district travel as part of the desegregation program, including magnet schools, and the other half are students of special education programs and volunteers. Interview with G. Alfred Hess, Executive Director, Chicago Panel on Public School Policy and Finance, April 2, 1991.

enormous. The social cost is calamitous.

"This is my neighborhood
This is where I come from
I call this place my home
You call this place a slum."

Open Letter (to a Landlord)
Living Color

Mandates of the McKinney Homeless Assistance Act[18]

Congress clearly recognized transiency and discrimination as fundamental underlying problems in the education of homeless children and focused federal law on providing access to education with the option, depending on individual need, to continue schooling in the child's home school. A section of the 1987 Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. secs. 11431-11432 ("McKinney Act") is designed to provide "critically urgent" emergency relief for the education of homeless children and youth. This federal law to help cities, states and local agencies combat the growing crisis in a comprehensive emergency package was amended in large part in the autumn of 1990 and the amendments were signed into law by President Bush on November 29, 1990.

In brief, the law requires that states receiving funds under the McKinney Act assure that each homeless child shall have access to a comparable free, appropriate public education in the mainstream school environment.

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[18] See Appendix A for a summary of additional federal and Illinois law relevant to the education needs of homeless children.

(sec. 721(1)). The law requires the revision of residency requirements for homeless children and, recognizing the need for stability and continuity in a child's education, provides that a child may continue in his or her home school regardless of where the family is temporarily staying, or may attend the local school near where the child is currently staying, whichever is in the child's best interests (sec. 722(e)(3)(A)).

Interestingly, the recent amendments strengthen this section by providing that in determining the best interests of the child for purposes of school assignment, "consideration shall be given to a request made by a parent." (sec. 722(e)(3)(B)).

Both the guarantee of a decision on school access made in each instance in the best interests of the child (sec. 722(e)(3)), and the assertion of the need for transportation (sec. 722(e)(1)(G)(i) and (9)), are explicit legislative recognition of the need for continuity and stability in education. "Without adequate transportation to school, the McKinney Act's guarantee of access to education for homeless children is meaningless."[19]

The law further guarantees that states provide comparable services to those offered other students in

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[19] Shut Out: Denial of Education to Homeless Children, A Report by the National Youth Law Center on Homelessness and Poverty, May 1990, p. 31.

the school, including transportation services, gifted and handicapped educational services, school meal programs, vocational education, bilingual programs, and before and after school programs. (sec. 722(e)(5)).

The McKinney Act requires states and local educational agencies: to make school records, including immunization records, academic records, birth certificates and evaluations available in a timely fashion when a child enters a new school (sec. 722(e)(6)); to review and revise any policies that may act as barriers to the enrollment of homeless children (sec. 722(e)(9)); to designate a homelessness liaison to ensure that homeless children enroll and succeed in school and receive the services to which they are entitled (including referrals to health, dental and mental health care services) (sec. 722(e)(8)); and to review and revise school residency requirements, including laws, regulations, practices or policies that may "act as a barrier to the enrollment, attendance, or success in school of homeless children or homeless youth," (sec. 721(2)).

The law also mandates the Coordinator of Education of Homeless Children and Youth in each state to gather data on the number and location of homeless children in the state every two years, to identify the problems of access to schools and to coordinate services

(sec.722(d)). Each state must adopt a State Plan which: authorizes personnel to make the determinations of the best interests of each homeless child (sec.722(e)(1)(A)); provides procedures for the prompt resolution of disputes (sec. 722(e)(1)(B)); develops programs for school personnel (sec. 722(e)(1)(C)); assures homeless children are able to participate in food programs, and before and after school care programs (sec. 722(e)(1)(D) and (E)); addresses problems caused by transportation issues and enrollment delays caused by immunization requirements, residency requirements, lack of documentation or guardianship issues (sec. 722(e)(1)(G)); and demonstrates that the states and local educational agencies have removed barriers to the enrollment and retention of homeless children and adopted policies and practices to ensure that homeless children are not isolated or stigmatized (sec. 722(e)(1)(H) and (I)).

Congress amended McKinney in 1990 to make it explicit that funds authorized to the states shall be used to provide "activities for and services to homeless children and homeless youths that enable such children and youths to enroll in, attend, and achieve success in school."(sec. 722(c)(2)). This was a direct Congressional repudiation of a previous Department of Education ("DOE") policy prohibiting the use of McKinney funds for direct services for homeless children by the

states. This policy of the DOE, with no specific basis in the McKinney Act or in Congressional debate, resulted in limiting the use of state funds to administrative purposes only. Before the amendment clarifying Congressional intent, between 1987 and 1990, McKinney funds were used by the states only to count homeless children, set up offices, hire a coordinator and purchase office equipment.[20] None of the money reached children.

How did McKinney affect the lives of homeless children in shelters? Are their educational needs being better met, and what remains to be accomplished?

"Many rivers to cross
but I can't seem to find
my way over.
Wandering I am lost..."

Jimmy Cliff
The Harder They Fall

Educational Experiences: Children in Homeless Shelters

Somewhere between 600,000 and 3 million people were homeless in 1991 in America.[21] The U.S. Department of Education ("DOE") has estimated that there are 450,000 homeless children in the country.[22]Advocates give a

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[20] Shut Out, supra p.16.

[21] Moving Forward: A National Agenda to Address Homelessness in 1990 and Beyond and a Status Report on Homelessness in America, a 46-City Survey, 1988-1989, Partnership for the Homeless, New York, 1989, p. 3.

[22] 1989 Report on Department of Education Activities (Section 724(b)(2) of P.L. 100-77) and 1989 Status Report on Education of Homeless Children and Youth from State Coordinators (Section 724(b)(3) of P.L. 100-77) March 1990.

figure between 500,000 and 750,000 children.[23] A middle range estimate prepared by the DOE in 1990 indicates that 272,773 are school-age homeless children, not counting 56,783 preschool children.[24] One in every four homeless persons in cities is a child.[25]

Thirty to thirty-five percent of the homeless are families, generally a parent with two or three children.[26] The number of homeless women and children is increasing, up from 21% of the homeless in 1980.[27] An estimated 11,000 to 15,000 women and children will be without a home in Chicago this year.[28] Almost 6,000 women and children were turned away from Chicago shelters

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[23] Advocates for Children of New York, Inc., Learning in Limbo: The Educational Deprivation of Homeless Children, September 1989.

[24] Select Committee on Children, Youth and Families, U.S. Children and their Families: Current Conditions and Recent Trends, U.S. House of Representatives, Washington, D.C., September 1989, p.31.

[25] "A Status Report on Hunger and Homelessness in America's Cities: 1989", U.S. Conference of Mayors, Washington, D.C., December 1989.

[26] Hewlett, Sylvia Ann, When the Bough Breaks: The Cost of Neglecting Our Children, Basic Books, 1991, p. 45; and Sossin, University of Chicago, 1988.

[27] "A Report on the 1988 National Survey of Shelters for the Homeless", U.S. Department of Housing and Urban Development, Office of Policy Research, Washington, D.C., March 1989, Exhibit 12.

[28] In Transition, Travellers & Immigrants Aid of Chicago, vol. 9, no. 2, Fall, 1990, p.1.

due to lack of space in 1989.[29]

The Superintendent of the Chicago Public Schools states as a "conservative estimate" that some 5,322 homeless children were enrolled in the Chicago Public Schools on April 4, 1991.[30] This number, he states, does not include the unreported students "who live in abandoned buildings or apartments, automobiles or trucks, bus or train stations or on the streets." Data provided by the Department of Human Services, however, indicates that 6,851 children aged seventeen and under were in homeless shelters financed by the City of Chicago on July 21, 1991 -- numbers not including children doubled up, living in private shelters, or the "undocumented" or uncounted.[31]

This study conducted interviews with parents and children at 20 of the City of Chicago's 24 homeless family shelters.[32] Between March 1 and August 1, 1991,

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[29] Facts About the Homeless, The Chicago Coalition for the Homeless.

[30] See Exhibit B attached.

[31] Interview with Jackie Edens, Executive Director of Homeless Services and Programs, City of Chicago, Department of Human Services, September 6, 1991. This data, summarized from the Emergency Shelter Clearing House Log, also does not include children in second stage or longer term shelters.

[32] According to Department of Human Resource data, there were 1148 parents and children residing in emergency family shelters financed by the City of Chicago on July 21, 1991. Interview with Jackie Edens, September 6, 1991.

the interview team[33] spoke with 142 families which included 588 children.[34] Three hundred nineteen of the children were school age.[35] Of the 588 children, 118 were not living with their mothers at the shelter.[36] Approximately one-third of the women indicated some involvement with the Illinois Department of Children and Family Services, the state child welfare agency.[37]

The interview protocol concentrated on the educational experiences of the children and generally avoided background data on the mothers or scrutiny of the shelters. The interviews were voluntary, although attendance to our introductory presentation was frequently required by shelter operators.[38]

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[33] Interviewers included volunteer private attorneys and corporate volunteers, all of whom underwent a training program.

[34] See Exhibit C for a graphic summary.

[35] Only when it was raised by a parent does this study include the problems of early childhood educational opportunities and barriers for homeless children. However studies indicate that access to early childhood education is the single variable that makes a difference in the development of homeless children and chronically poor children. Molnar et al., supra at 41-42, 90.

[36] One study found that 16% of the women living in shelters who were separated from their children stated that they chose to have their children remain near their home school because they did not want to further disrupt their child's schooling. Promises Made, supra, at 15.

[37] This is finding is identical to an earlier Chicago study. Id. at 15.

[38] See Exhibit D for the leaflet sent to shelters announcing the interviews.

Seventy-five percent of the school age children of the families interviewed attended three or more schools during the 1990-1991 school year.[39] Twenty-seven children were not currently enrolled in school and approximately one-third of the families indicated that a child had missed more than two weeks of school during the 1990-1991 school year due to factors involving the family's moves.[40]

More than two-thirds of the parents indicated that they would prefer to have their child continue to attend their home school and would have done so if they had known it was a right and/or if they were provided with transportation to the home school. The remaining group indicated that reasons of safety, primarily from an abuser, caused them to insist on changing neighborhoods and schools. Many parents indicated that the convenience of having a school near the shelter might be decisive,

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[39] The twenty-five percent who attended less than three schools during the year include those who had attended no school, those who remained at their previous special education school, and those who continued to stay at their home school. This figure may be somewhat high because the project was denied access to parents in the large emergency shelter which is for many homeless families, the first stop in the homeless shelter journey. See infra pp. 34-36. However, the high percentage is confirmed by another Chicago study conducted by Loyola University and the Chicago Institute on Urban Poverty of Travelers & Immigrants Aid, roundtable, June 3, 1991.

[40] See Broken Promises, supra at 16 which found that 52% of shelter mothers in Chicago indicated that their children had missed more than one week of school since they became homeless.

but that they were unaware of a choice.[41]

Eleven examples indicate the scope of the problem:

* ACCESS: BEST INTEREST OF THE CHILD

Mrs. Shaw[42], residing in a North side shelter, has four children, including two daughters - Martha and Amanda - of school age. She seized on the interviewers and begged for help with her daughters' schooling. The girls, she reported, were crying every morning, refusing to attend the local school, humiliated by having to go there, and longing for their home school which they had attended for 6 years. Martha, now in fifth grade, had been evaluated as a special education student the previous year, and had a specific educational program designed for her needs recently put into place at her home school. As a result, she had begun to "do well" and feel successful according to her mother. The home school is 42% white, 44% Hispanic, 6% African American and 7% Asian, with 69.7% low income children and a turnover rate of 45%. The Shaw's are white.

Despite the mother's long term involvement as a volunteer in their home school, the school clerk in charge of registering students told Mrs. Shaw that the

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[41] This lack of notice or knowledge prompted the writing of a "know your rights" brochure entitled: "Educational Rights for Homeless Children". See Exhibit E.

[42] The names of study participants are invented, to protect confidentiality.

girls could not attend that school once they were "out of district". Mrs. Shaw then went to the school nearest the shelter to attempt to re-establish Martha's special education program. There she was told that it would take some time to obtain previous records and arrange for the appropriate program at Martha's new school. Mrs. Shaw asked for help.

When I called the administrator at the home school concerning the Shaw girls' desire to re-enroll, I was told bruskly that these girls were no longer eligible to be students at the home school because they resided out of district. I suggested that federal law provided otherwise and offered to send a copy of the relevant provisions. The administrator stated that she was not interested in federal law, that she knew the rules and that the children could not enroll. I recommended that she ask her principal if this course was one he affirmed; she declined.

I next wrote to the principal, with copies to the President of the Chicago Board of Education. After a week and no response, I attempted to telephone the principal, unsuccessfully. Finally I called an official in the special education division and explained Martha's problem, describing the McKinney Act requirements as well as her special education needs. I suggested that the two sisters could take public transportation back to their

home school by themselves, but that they had a right to continue to be enrolled in that school, and that the parents' wishes were to be taken into account. I sent her copies of the unanswered letters to the school.

Within three days, she called to say that the children could re-enroll at their home school and that Mrs. Shaw and daughters should go immediately to the home school office. This required Mrs. Shaw to make several trips back and forth to the children's school near the shelter and back to the home school. But the girls re-enrolled in the school they had known all their school lives, and continued to take buses each morning from the shelter back to their old neighborhood.[43] This freed their mother to turn her focus to looking for housing in their old neighborhood, and ended the fighting in their family each morning about attending school.[44]

* SCHOOL ABSENCE: ACCESS TO COMPARABLE EDUCATION

Mrs. Ramirez left her abuser/boyfriend, fleeing with her three young daughters to a homeless shelter on the Northwest side of Chicago. Her second grader, Graciela,

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[43] Mrs. Shaw paid for four bus tokens per day for her daughters to return to their home school. She declined to fight further with the school or the Board of Education about their right to have transportation provided, for fear of losing the school placement which she felt was in her daughters' best interests.

[44] Like many of the better-operated shelters, Mrs. Shaw's shelter required the children to attend school as a condition of remaining at the shelter. Before she obtained the "best interest of the child" school placement for her children, this shelter requirement heightened the stress within the family.

was a straight-A, bilingual student who missed three months of school in the spring due to her family's flight and transiency. Graciela attended a second school for two weeks and was moved again. Mrs. Ramirez wanted Graciela to be able to move up to third grade in the fall. She thought that her daughter's school records had been sent to Florida because she initially considered returning there. She had been told by local school administrators that summer school slots were full. It was critical to Mrs. Ramirez that Graciela's next school be away from her former school and neighborhood because she was fearful of Graciela's father's violence.

I called a school within walking distance of the shelter and spoke to the assistant principal about the Ramirez family, Graciela's strengths, and the McKinney Act. The school official was sympathetic, although harried, and suggested that she would make room for Graciela.

I accompanied Mrs. Ramirez, Graciela and her two baby sisters, all perfectly dressed, to the elementary school, a seven block walk from the shelter. Summer school was a week underway, and there was a crowd of parents still hopeful or desperate to enroll their children. The mother in front of us had one child enrolled in summer school, but the sibling had been turned down. Though the second grade English-speaking

class was now over-enrolled, the school administrators remembered speaking to me the week before and agreed to keep to their word to enroll Graciela. We accompanied her upstairs to her classroom where we met the second grade teacher who is the school counselor during the regular year. She assured us that she would retrieve Graciela's school records even from Florida and welcomed Graciela.

* APPROPRIATE EDUCATION: ACCESS TO TRANSPORTATION

At a remarkable shelter on the South side of Chicago, I spoke to a group of silent mothers and children about their rights to an education for their children under the McKinney Act. Many of the women are drug-addicted and young. No one volunteered to talk with me privately about their children's schooling. I stayed in the dining room after the presentation, sitting and fooling with the children. In a whisper, Mrs. Walker asked me about her children.

Tammy Walker and her three daughters had been at the shelter for two weeks, and the children had been out of school during that time. Mrs. Walker left home because of domestic violence and stayed two days with her grandmother before coming to the shelter. Vicky, the seven year old, was classified as an Emotionally Mentally Handicapped ("EMH") student and had been bused to a special education classroom at a school on the far West

side. The school is 100% African-American, with a poverty rate of 94.6% and a turnover or mobility rate of 47.1%. Mrs. Walker went back to Vicky's home school to arrange for transportation for her daughter from the shelter and was told by the school counselor that the distance from the shelter was too far and they would find another school with an EMH classroom to which Vicky could transfer. It was the first week of May.

Theresa, almost six, was also classified as an EMH student and was bused to a northside special classroom before becoming homeless. Mrs. Walker also travelled to Theresa's school the previous week and was similarly told by school administrators to go to a school near the shelter. The mother felt strongly that the children should stay in their school placements until the end of the school year -- Theresa had been at her school for two years.

Her youngest daughter, Tammy, was enrolled in Head Start since September and was now unable travel back to school. Mrs. Walker went to the Head Start near the shelter with a referral paper from the shelter, but was told that she would be on a waiting list for the nearby Head Start classroom.[45]

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[45] See study indicating that as little as three months exposure to Head Start or publicly-funded day care exhibited more age-appropriate performance on developmental tasks than children who lacked such an opportunity. Molnar et al., supra, at 41-42.

Despite a flurry of telephone calls and letters by attorneys and advocates on the Walker children's behalf, the girls remained out of school for another month. I participated in a series of conversations with a person at the central Board of Education office who stated that he was attempting to revise the transportation to have Vicky and Theresa taken to their special education program from the shelter. In early June, I was informed by shelter personnel that the Walkers were no longer there. Mrs. Walker did not respond to telephone call messages left at the number I was given.

Vicky, Theresa and Tammy missed at least two months of schooling.[46] They are children the school system had troubled to test, evaluate and classify. Their mother, struggling with severe problems, made significant efforts to keep her family together and to provide her children with continuity in their special programs. Mrs. Walker kept copies of vaccination and school records for her daughters. She did not expect a responsive system, but she expressed her clear preference to three unresponsive schools that her children be given transportation to complete the school year at their home schools. In fact, the children remained out of school and the bureaucracy

[46] Several parents whose children were enrolled in special schools reported no significant delays in changing the transportation so that their children were picked up by a school bus at the shelter.

waited out the problem.

* BARRIERS: TIMELY TRANSFER OF RECORDS

In a large shelter on the South side, Mrs. Mason told me that her seven year old, Robert had been out of school for two weeks. Her two younger children were attending the on-site shelter pre-school classroom. The local public school told her Robert could not be admitted until they received his school records. This school, near the shelter, is 100% African-American enrollment, and 100% low income, with a 62.6% turnover rate. The home school refused to send Robert's records or the transfer form by mail, and insisted on the physical presence of the mother to obtain the transfer form that the receiving school required. Mrs. Mason, fearful of being seen by her former abuser, made two trips back to their South suburban home school district taking three buses each way, carrying her children. She was told to come back another day after the first trip.

Requiring a mother to expend this effort and risk for a paper transfer is a barrier to education. It is unimaginable that both schools not be able to verify transfer and immunization records by telephone or computer and conditionally admit a child, pending the receipt of adequate records. This process is made more arcane when one of the schools is beyond the Chicago

Public School network. Robert was admitted, after a three week delay in school attendance and enrollment.

* BARRIERS TO ENROLLMENT: LENGTHY SCHOOL ABSENCE

Tyrone Deans has been out of school for one year. He is seven years old, living with his mother, his two year old brother, and his ten year old sister at a religious shelter on the near Northwest side of Chicago. Three other Dean children live with their grandmother on the far South side, and a seventh child lived with Mrs. Dean's sister. Mrs. Dean read in the papers that parents were being arrested for their children's truancy, and she was reluctant to take Tyrone to the school near the shelter to register him. That school is 77% Hispanic, 17% African American, and 4% white, with a population which is 92.5% low income and 48% turnover rate.

By the time I telephoned the school, got the name of the truant officer, asked for written assurances that the child could be enrolled without the mother risking arrest, and made an appointment to enroll Tyrone, Mrs. Mason had moved her family out of state.

* ACCESS TO MAINSTREAM EDUCATION

One of the largest emergency shelters in the city, with a capacity of 120 women and children, has an on-site shelter school operated by the Chicago Board of

Education. Residents may stay only 29 days. Although this was the only shelter which refused to allow the project to speak to residents[47], we spent an hour in the classroom containing children from first through eighth grade. At that visit, there were two teachers present who divided the room in half according to age. The room was well-stocked with supplies, calm and humming, and the children appeared to be engaged in reading and comfortable with the teachers.[48]

This shelter, however, requires every resident, school age child from first through eighth grade to attend the on-site school. When pressed about whether a child who previously attended a nearby school and become homeless would be able to continue to attend her home school while her family stayed at the shelter, the director stated that they would not allow outside school attendance. She then remembered one child, clearly a behavior problem, who was permitted to travel to a previous school because he refused to cooperate in the

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[47] Repeated efforts to schedule an appointment to speak with residents and/or staff about this project were denied. A meeting was finally scheduled and cancelled the morning of my arrival. Ultimately, insistence that we visit the shelter school led to an appointment and tour, accompanied by the school principal (principal of a nearby school to which the shelter school is administratively appended) and a director of the shelter. We were unable to speak privately with teachers, students or parents.

[48] Perhaps this view accounts for the startling, and illegal, policy recommendation calling for more shelter schools in Promises Made, supra, at 135.

shelter school.

Many of the families interviewed at other shelters had first passed through this emergency shelter. They described a classroom with one teacher and many indicated that they forced their children to attend class each day in order to remain at the shelter. School records which were transferred to the shelter school took longer to be transferred to the next school.[49]

Clearly, the shelter requirement that residents must attend this homeless shelter school and the Chicago Board of Education's participation in this segregated schooling violates the McKinney Act mandate that homeless children be mainstreamed and receive an appropriate education. The school is unable to provide equivalent facilities and the children -- even with caring teachers -- are essentially warehoused separate from their non-homeless peers.

* STEERING: BARRIERS TO APPROPRIATE EDUCATION

Anthony James is a fourteen year old boy who agreed with his mother's desire that he re-enroll at his previous school. Anthony had been in the custody of his aunt, attending a neighborhood school for the past year

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[49] One shelter teacher suggested that the shelter school returned the records to the child's previous school when a family left, further delaying retrieval of the records. Interview, March 20, 1991.

and a half. He returned to his mother's care pursuant to court agreement, and transferred to a South side school near her apartment. Within two months, she became homeless and took her family to a residential shelter near Anthony's old school. The school refused to re-admit him, citing overcrowding, and recommended that he enroll at a vocational school in the district since he was a year behind in grade level. Anthony was eager to return to his friends and a school where he was known.

I called the school administrator and was referred to the district office. The administrator at the district office insisted that Anthony would be better off in a vocational school. Her supervisor called back to ask for a copy of the law. Two days later, after reading the McKinney Act and speaking to school officials at the central board, she agreed to speak with the principal of Anthony's previous school, on his behalf.

The principal required a certified court copy of the custody order returning Anthony to his mother's care. This is a bureaucratic nightmare, requiring days of effort, and part of the guardianship requirement mentioned explicitly by the McKinney Act as a barrier to enrollment.[50] By the time the paperwork was retrieved, Anthony had enrolled at the vocational school to which he was "steered". The unstated implication was that Anthony

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[50] Sec. 722 (e)(9).

was a behavior problem and that the school would prefer to find a pretext to not re-enroll him. He was "tracked" into a non-academic school pathway.[51]

* BARRIERS: HIGH SCHOOL DROP OUT

Mrs. Snyder had multiple legal problems and was residing temporarily at a dismal shelter on the near West side, but she wanted help only in enrolling her oldest daughter, Tiffany, in an appropriate high school. The Snyders had been burned out of their apartment ten months before, had been in two previous shelters and stayed with two friends. Mrs. Snyder was cut off public aid for "whereabouts unknown" reasons, although she stated that her public aid caseworker had to approve her placement at the homeless shelter. The family had been six months without income and without a medical card, though three of them were asthmatic.

Tiffany, age 14, was mainly out of school for a year, refusing to attend tenth grade because she was denied re-enrollment at the school her friends attended. I arranged for her to have a personal interview with the principal of the high school she wanted to attend; he expressed interest in keeping her in school. When I called back to the shelter about the appointment, the

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[51] See interviews with school personnel, infra., confirming the role of docility in school admission policies.

Snyder family was gone and the shelter personnel refused to give me their telephone number. Attempts to leave messages and send letters to this shelter failed to reach the Snyders. Mrs. Snyder was clearly worried that her daughter was on a school drop-out course and was trying to provide Tiffany with a future different from her own.

* **ACCESS: PRE-KINDERGARTEN AND HEAD START**

Mrs. Jackson's four year old daughter had surgery for cancer of the eye and successfully recovered. Her older daughter attended fourth grade at the school nearby the shelter, where Mrs. Jackson was now an employee. Her younger child was not yet school age. Her need was to enroll her four year old in a pre-school program to prepare her for kindergarten, as part of the recovery process from her year of difficult surgery.

Many parents interviewed lost their children's pre-kindergarten or Head Start slots when they became homeless, and began again the lengthy waiting list process to obtain pre-school care for their children. Many of these children, such as the Jackson girl, have special needs and qualify for 0-3 programs as well as pre-school or Head Start.[52] The loss of these proven

[52] See Appendix D.

opportunities for success[53] is a severe blow to the future education of these homeless children.

* BARRIERS: SIBLING SEPARATION

Mrs. Hunter was in a Southside shelter with four of her six children. Two were quickly enrolled in the school nearest the shelter, in fourth and second grade classrooms. She reported that her second grader was in trouble and had gone from being an A student to receiving Ds and Fs; teachers were reporting him for behavioral problems. However, her daughter Becky, who had been in kindergarten at their previous school, was turned away from the school near the shelter due to overcrowding in the kindergarten classes. This meant that she was directed toward another school and the children were separated during the day, and travelling to and from school.

Efforts with the school and the Board of Education revealed that schools must be officially overcrowded to turn away students for enrollment for that reason and that siblings are an exception.[54] However school and

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[53] Although 35% of all three and four year olds now attend pre-school in the United States, they are largely from the middle class. Head Start serves only 25% of those eligible. Children and Families, Select Committee on Children, Youth and Families, pp. 32-39.

[54] Policy on the Utilization of Physical Resources (as amended), #90-0919-P01, Chicago Public Schools, September 19, 1990.

shelter pressure convinced Mrs. Hunter to send Becky to the recommended kindergarten class in a school five blocks from the shelter, in a different location from her older brothers.

* ACCESS TO SUPPLEMENTAL PROGRAMS: HOT MEALS

The first family interviewed by this project had enrolled their school age child at the school near the shelter, recommended by the shelter. The father, Mr. Melendez, indicated great interest in his child's schooling and had arranged a meeting with Thomas' teacher to find out why his son was crying every night and felt unable to do the work. The father expressed frustration that the school and the teacher had not been helpful or forthcoming. As an afterthought, he mentioned that the half-day kindergarten program for his son did not include lunch, as it had at their previous school. He stated that only after two weeks of picking up his son at midday, did he realize how hungry his child was. Thomas' mother was volunteering to make breakfast at the shelter, and was giving her son a bologna sandwich and an apple to take to school, but she was concerned that taking food from the kitchen violated shelter rules and if she were caught, the family would receive a "write-up" at the shelter. Thomas and his father returned from kindergarten too late for lunch and the shelter kitchen

was locked.[55]

"I want to be
homeward bound..."

Simon and Garfunkel

Implementation of McKinney Mandates

Nationally

Implementation of the mandates of the McKinney Act provisions for the education of homeless children has been dismal, nationally as well as in Illinois and Chicago.[56]

The initial study conducted by the National Law Center on Homelessness and Poverty concluded that the Department of Education ("DOE") has failed to implement the McKinney Act properly, by delaying one year in distribution of funds to state educational agencies, and by failing to monitor state compliance; that states have failed to implement the McKinney Act properly; and that

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[55] Another shelter reported that their children always missed the hot breakfast at school because it was an eight block walk from the shelter and the children walked together. Instead, the children had cold cereal before leaving the shelter. Interview, March 20, 1991.

[56] Shut Out: Denial of Education to Homeless Children, a Report by the National Law Center on Homelessness and Poverty, May 1990. This study has recently been supplemented by: Small Steps: An Update on the Education of Homeless Children and Youth Program, a Report by the National Law Center on Homelessness and Poverty, July 1991.

homeless children are still being shut out of school.[57]

Despite a consent decree in January 1988 in which DOE stipulated to an expedited timetable for implementation of McKinney, the study concludes that two years later, compliance was woeful. Funds for 1987, for example, were not fully distributed until November, 1988.[58] Thirty of the States' FY88 applications containing State Plans were rejected by DOE with form letters merely citing statutory provisions, all mailed the same day. The Center's review of these DOE determinations concluded that only nineteen of DOE's fifty-one determinations were accurate.[59] Illinois's initial application was, according to the Center study, inaccurately rejected and later approved.[60] Furthermore, the Center study concluded, DOE remained a year behind in funding the states, "completely ignored" their responsibility to monitor state activity under McKinney,[61] and was negligent in its duty to communicate

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[57] Shut Out at pp. ii and iii.

[58] Shut Out, ibid. at 10, 12. "DOE's implementation of its primary responsibility in reviewing applications and allocating funds to the States was rife with delays."

[59] Shut Out, ibid. at 13-14 and Appendix 4.

[60] Id., Appendix 4.

[61] According to Illinois State Coordinator John Edwards, the DOE came to Illinois once in 1987, before there was a State Coordinator or an office, and two people from DOE came to monitor the Illinois program in August, 1991. Telephone interview, September 17, 1991.

with the states.[62]

This project, though not focused on the role of DOE as the federal agency mandated to implement the education portion of McKinney, found that DOE responses have not improved. The failure or inability of DOE to make a timely or complete response to a Freedom of Information Act ("FOIA") request was noted in the above report and was similarly experienced here.[63]

The report's summary of Illinois compliance, based on telephone interviews, concluded that lack of transportation is the biggest problem for homeless children; that the state has failed to implement the McKinney Act mandates; and that access to school varies widely on a school-to-school basis.[64]

A follow-up study by the Center a year later concluded that despite the positive steps embodied in the amendments to the McKinney Act, "... problems persist with the amendments and with DOE's administration of the program."[65] Despite the unsuccessful Bush

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[62] Shut Out, ibid., at 15-19.

[63] An FOIA request dated June 19, 1991 was responded to with a telephone call from the DOE on July 9, stating that the request was being forwarded to Ms. Alexia Roberts the next day. An appeal letter dated September 11, 1991 stating that the DOE had failed to respond within the statutory time limits has gone unanswered.

[64] Shut Out, ibid., at A33-34.

[65] Small Steps, ibid. at 7.

administration attempt to eliminate the program,[66] the program remains hindered by limited resources. Congress appropriated $50 million for Title VII B programs for FY91, but only $7.2 million was appropriated.[67]

Because the Center concluded repeatedly that a major barrier to education for homeless children is transportation,[68] t District of Columbia school board initiated a semester long "pilot project" of bus service to and from a Budget Inn shelter for children otherwise unable to attend school on a regular basis. This small step is now being evaluated by the Center.

Illinois

Using the initial McKinney Act funds, the state of Illinois commissioned a study by the Bradley University Center for Business and Economic Research to analyze and make recommendations on the educational barriers facing homeless children. The study, completed in August 1989, attempted to assist in the development of the Illinois state plan required by McKinney by deriving reliable estimates of the problem, identifying current understanding of the problem and efforts to address it, offering education policy recommendations and providing

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[66] Id., at 10-11.

[67] Id., at 8.

[68] Id., at 12; Stuck at the Shelter: Homeless Children and the D.C. School System, the National Law Center on Homelessness and Poverty, September, 1990.

an information system design for ongoing monitoring of the problem.

The Bradley study found that there were 11,700 homeless children and youth on a given night in February, 1989, one-third of whom were literally homeless, two-thirds of whom were doubled up with others. These findings parallel national estimates. Chicago has 60% of those homeless (6,922 children[69]).

Policy recommendation to the state of Illinois include revision of state laws[70], technical and financial assistance to local schools, establishing a coordination center with in-service programs for teachers and administrators.[71] Most importantly, the study

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[69] Homeless Youth and Children of Homeless Families in Illinois, Center for Business and Economic Research, Bradley University, August, 1989, Table 1.

[70] Apparently, no laws in Illinois have been revised pursuant to McKinney. Interview with John Edwards, Illinois State Coordinator, September 17, 1991. On April 25, 1990, Robert Leininger, director of the Illinois State Board of Education, issued a legal opinion stating that: "We have determined that under the present provisions of The School Code all children of school age are entitled to a free public education in the school district wherein they reside." [See Exhibit F.] The opinion failed to refer to the choice of continuing home school enrollment provided in McKinney based on the best interest of the child. The memo, relying on a 1916 Illinois Supreme Court case, concluded that existing Illinois law and regulations conform to McKinney Act requirements. Perhaps this legal opinion permitted state and local educational officials to conclude that they need not inform local schools of the choice in school enrollment guaranteed by McKinney.

[71] Illinois appears to have offered three such training programs on McKinney requirements and the needs of homeless children in different parts of the state since 1987. Interview with Illinois State Coordinator John Edwards, September 17, 1991. This included a one-day workshop for principals held in Normal,

recommended that children and parents be provided the choice of attending the original attendance center or the resident attendance center, that the school of attendance provide transportation to the child and be reimbursed by the state, that there be funds for enrichment and after school programs for homeless children in large population centers, immediate enrollment of students with a 30 day grace period for obtaining proof of immunization, and reimbursement of expenses to schools with large concentrations of homeless children.[72]

The statewide coordinator of the McKinney Act program, Mr. John Edwards, stated that these Bradley recommendations were adopted at "signature level" by the Superintendent of the Illinois State Board of Education and the study was used to improve the Illinois State Plan. Mr. Edwards also stated that he was "not too keen " on all the Bradley recommendations. For example, Edwards stated that "we don't agree with the Bradley recommendations on transportation." On the other hand, the Illinois State Coordinator noted that the choice of school enrollment in the "best interest of the child" does not have any meaning without making transportation

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Illinois on October 31, 1990 which included presentations of innovative projects in San Diego and Dallas.

[72] Homeless Youth, ibid., policy recommendations 3.3,3.5,4.1,4.2,5.1,5.4, 6.2 and 6.3.

available.[73]

Mr. Edwards stated that there has been no procedure established to determine the "best interest of the child" for school enrollment of homeless children because the choice to remain at the home school for the remainder of the school year exists as a matter of state law.[74] He further stated that there has never been a hearing or an appeal in Illinois because when he becomes aware of a case, he tries to cut the red tape by making a telephone call to a local school administrator so as to "not lose the kid."[75]

Edwards stated that there are 12,000 homeless children in Illinois on a given day, 60% of whom are in Chicago, and that all of them face barriers to education. If the McKinney Act were fully funded, Edwards would want the money to go to transportation of homeless children to school. "The choice of school enrollment doesn't have any meaning without providing transportation, unless the parents have the wherewithal."[76]

Illinois funding under McKinney is described in Exhibit G. Illinois recently granted $400,000 pursuant

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[73] Interview with Mr. John Edwards, September 17, 1991.

[74] Apparently this is a reference to the 1990 Leininger legal opinion, Exhibit F.

[75] Interview with Mr. John Edwards, September 17, 1991.

[76] Id.

to the McKinney Act amendments for pilot projects to facilitate enrollment, both to private agencies and to local school districts.[77]

Local Chicago Public Schools

On June 5, 1991, Freedom of Information Act request letters were sent to the principals at eighteen local Chicago public schools, whose schools had come up repeatedly in interviews with families in shelters. Many of the schools were located near homeless family shelters; others were the home schools mentioned by homeless families. Only five schools responded.

The responses stated that there were no written policies regarding homeless children; that the school did not have homeless children; and that the school enrolled children who resided within the attendance area. Two principals responded by stating that they treat homeless children like everyone else and were unaware of special policies. Another school sent the agenda for an inservice training on homeless children and a notice to parents sent by the school in response to a survey request by the central board.[78]

In depth interviews were conducted with school

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[77] Edwards stated that the $400,000 was accumulated from previous years funding. Interview, September 17, 1991.

[78] See Exhibit J.

office personnel in charge of admissions at ten Chicago public schools in June 1991. The awareness of the problems and needs of homeless children and families varied widely. For example, at one elementary school, the admissions administrator stated clearly that any child asking to be admitted who no longer lived within the attendance boundaries would be interviewed or "screened" by the principal and would be admitted if the child was not a "problem or difficult" child.[79] This is a school which had only 10-12 children from out of district. Only special education students receive busing. She stated that this school was 90% stable in a given year, though there were many transfers out of the school at Christmas break. She knew of only one family who had become homeless, a family forced into a shelter because of a fire in their home the previous year; the eighth grade student in that family continued to attend this school from the shelter, taking the bus each way, transportation paid for by the mother.

On the other hand, at a school near a shelter, the community coordinator/teacher in charge of homeless children stated that the homeless children attending this school pass through the shelter so quickly that by the time their records arrive, the children are gone. This school has approximately thirty homeless shelter children

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[79] Interview conducted at the school, July 31, 1991.

at any given time. The coordinator stated that unless the family obtains an apartment at the nearby public housing complex, the children don't get any benefit or credit from attending her school; they are uprooted so many times, she noted, and she never had seen an instance where a family asked for a child to be returned to a home school or finish the school year at her school. Finally, she noted that the teachers can easily identify the homeless shelter children by the transfer form they bring to school from the shelter.[80]

A different set of problems were defined by a principal who had been acting principal for the previous fifteen years at a West side elementary school of 850 children. She stated that her school would always admit children if they had space and that children regularly attended who resided "out of boundary". This school has a 49% mobility rate and the principal observed that many families come in and ask for the child to remain in this school after they have moved: 60% of the children live out of the attendance area. She estimated that 10% of her students travel to school on public transportation which the parents must pay. She also noted that there was more tardiness from the children who travelled some distance to school.[81]

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[80] Interview at school, June 21, 1991.

[81] Interview at school, July 31, 1991.

This principal cited an example of a family with four children who had been staying with a relative and lost their home. The three boys in the family stayed with an aunt and are still attending her school. The girl stayed one night with the community representative and her mother never returned. The girl became a ward of DCFS and was placed in a foster home, but she continues to attend this school and travels by bus each day.

This principal further noted that the children who transfer mid-year or later are the lowest achievers, with some exceptions. In terms of record transfers, she noted that the delay period completely depends on the school and the effectiveness of the counselor and that it can take from three days to one year, including five to six requests, to obtain a student's school records.

At an elementary school of less than 600 children, the principal described a student body of 35-40% Mexican families from Guerrero and Durango who return to Mexico for the winter. One-third of the children at this school come from outside the district, most doubled up with other families, many without a telephone or emergency information.[82]

This principal admitted that his school had a bad reputation for transferring school records promptly and that he was trying to address the problem. Three or four

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[82] Interview, June 21, 1991.

school buses per day transported children to this school which held three special education classrooms and a bilingual program. This man, who was previously a principal in a suburban school system, noted that the suburbs around Chicago have strict residency requirements, including the requirements of swearing a residency affidavit every year and proving guardianship or disposition of custody.

At another heavily Hispanic school, the assistant principal reported a 90% stability rate with 70% of the students speaking only Spanish and 80% of the families speaking only Spanish at home. This school, also, was an entry district for families from Mexico, most of whom initially live doubled up with relatives and friends. She stated that students may not attend her school from out of district. She was aware that this school received children from a nearby domestic violence/homeless shelter, but she stated that these children generally stayed for less than two weeks and that they were frequently gone before their records caught up with them.

At a Northwest side high school the counselor of fifteen years, in charge of enrollment, stated that they enrolled students outside of their boundary if they were at grade level or above. This school of 1400 children has a mobility rate of 40%. Their many special education students take public transportation and are reimbursed

monthly. The counselor stated that the school has no resources to provide transportation funds to students, though he would encourage students to stay at their home school. He noted that many families from the neighborhood initially send their children to distant high schools, but that his school has an influx of students after the first semester of freshman year because families find the distances too difficult and impractical.

This counselor was unaware of any homeless population or students at his school and had never been asked by a parent or student whether they could stay in this school after losing their housing. He noted that high school students lose credits when they transfer in the middle of a school year.

This small sample confirms that school principals and personnel are unaware of the existence of homeless children, lack knowledge of the special rights enumerated in the McKinney Act, but all experience significant problems associated with the rapid turnover and transiency of students.

A Review of the Literature

Only a handful of articles have focused on the problems of schooling for homeless children, though a growing amount of the literature addresses homeless

families and the consequences to children. Most significant is the work of Yvonne Rafferty[83], who interviewed families in emergency shelters in New York between November 1988 and February 1989. Additionally, she assessed statistical data collected by the Board of Education comparing school performance and attendance of children temporarily housed, and those with permanent housing.

Her parents were primarily female (87%)[84], with an average of 2.85 children per family (although many did not have all their children living with them[85], who had been in the emergency housing system for about twelve months.[86] A majority of the families spent time in another temporary arrangement before arriving at the shelter system[87], 66% had been in a previous shelter and less than one-third were sheltered in the same borough as their last home[88].

Rafferty found that 91% of the children in shelters

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[83] Rafferty, Yvonne, Developmental and Educational Consequences of Homelessness on Children and Youth, presented at the Johns Hopkins University Institute for Policy Studies National Conference on "Homeless Children and Youth: Coping with a National Tragedy," Washington, D.C., April, 1989.

[84] Id., at 10.

[85] Id., at 11.

[86] Id., at 11.

[87] Id., at 12.

[88] Id., at 12.

were currently attending school[89], but that despite a New York City regulation that gives parents the option of keeping their child enrolled at their home school or attending the school nearest their temporary housing, the decision was made without offering the parents a choice, which significantly affected which school the child attended. Of the parents offered a choice, 58% transferred their children to the school nearest the shelter; of the parents not presented with the option, 94% of their children attended the school nearest the shelter.[90]

Rafferty did not discuss the McKinney Act requirements, but noted that parents mentioned that keeping their children in their former school was desirable because it provided stability, continuity of instruction, continued friendships, and because they were satisfied with the school or teachers.[91] On the other hand, many parents made a decision to send their children to the nearby school for practical reasons, primarily the economic cost of transportation and the risk of travelling great distances. This was noted although New York City, unlike Chicago, provides subway and bus passes

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[89] Id., at 13.

[90] Id., at 15.

[91] Id., at 15.

to New York City students.[92] For parents of younger children who must accompany their children as they travel to school, this results in additional burdens and frequently in poor attendance for the child, whose parent must appear at social welfare agencies and attempt to find housing.

Rafferty documents the number of school transfers endured by homeless children and correlates the transfers to the length of homelessness and the number of shelters lived in.[93] She catalogues the cumulative effect of school transfers on children, contributing to underachievement, being held back, and loss of continuity in learning. Parents complained that each transfer results in delayed school records, struggling to resolve transportation issues anew and a negative attitude in their child's academic performance, attendance and attitude.[94]

Finally, Rafferty is able to demonstrate, through the Board of Educations own statistics, that reading achievement, mathematics achievement, holdover rates, and school attendance suffered dramatically for homeless children.[95] She concludes that "the ability to be

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[92] Id., at 15-17.

[93] Id., at 17-18.

[94] Id., at 18.

[95] Id., at 19-14.

educated is severely affected by homelessness"[96], that homelessness has a dramatic impact on the number of different schools attended, and that the number of school transfers correlates with the number of shelters the children had stayed in.[97] Finally, she concludes that school performance is powerfully affected by homelessness: only 42% of homeless students were reading at or above grade level compared with 68% citywide; only 28% of homeless students scored at or above grade level on math compared with 57% citywide. This, of course, leads to erratic attendance, with 15% of her sample repeating their prior grade, and 12% being 2 years or more over age for their grade[98]. She recommends that the policy of bouncing homeless families cease, with greater effort at placing families in their home communities.[99]

Gewirtzman and Fodor[100] describe to teachers and educators the context and conditions of shelter living for families in New York City, comparing the stresses and crises of homeless families to studies of migrant

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[96] Id., at 25.

[97] Id., at 25.

[98] Id., at 25-26.

[99] Id., at 26.

[100] Rena Gewirtzman and Iris Fodor, "The Homeless Child at School: From Welfare Hotel to Classroom", Child Welfare, vol. LXVI, no. 3, May-June, 1987.

families, families who lose their homes due to fire, and previous work on the effects of moving on children. Through these analogies, they describe the psychological impact on homeless children, referring to Ellen Bassuk's findings that children younger than five were showing signs of "severe and perhaps life-long emotional, social and cognitive problems," that 51% of children over five were depressed, and that 54% had repeated a grade.[101] Gewirtzman and Fodor note that homeless children are stigmatized, reluctant to attend school because of inadequate clothing, and suffer from lack of quiet space in which to do schoolwork or unwind after school.[102]

They recommend that teachers provide a structured classroom, perhaps labelling children's space and items, and help to delineate boundaries; that work be broken into small, manageable portions which can be successfully handled; that children be given ways to express their fears and anxieties; and that children be given recreational outlets.[103] They further suggest training workshops for teachers, including tours of homeless shelters to promote understanding and the limited goals for teachers of "at the very least, offer the uprooted

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[101] E.L. Bassuk, The Feminization of Homelessness: Homeless Families in Boston Shelters. Cambridge, MA: Harvard Science Center. Unpublished manuscript, 1985.

[102] Gewirtzman and Fodor ibid., at 242.

[103] Id., at 243.

child a welcome mat to the security of the classroom".[104]

Simon and Garfunkel

CONTINUING BARRIERS

The Illinois State Board of Education and the Chicago Board of Education have failed to implement the educational provisions of the McKinney Act in Chicago. Homeless children continue to face numerous barriers to access to a comparable, free, appropriate public education. Among the barriers are: denial of the right to remain enrolled in the home school; lack of transportation; denial of access to comparable services; bureaucratic and lengthy delays in re-enrollment; and separation and discrimination.

Not a single parent or child interviewed was aware that each child has a right to remain enrolled in his or her home school. None had heard of McKinney, none had been offered a choice by the new school administration, by their previous school administration nor by shelter caseworkers. It is worth noting, in this context, that most families indicated that they would have remained in their home school (and even return to their home school now) if transportation were available. Except for

[104] Id., at 244.

families who had been chronically homeless (in the shelter system for more than one year), for children who attended a special school, and for women who fled a person who physically abused them and/or their children, the interest in remaining enrolled in the home school -- even if ultimately it was not practical -- was universal.

This lack of notice or knowledge about the right to remain in the home school extended to school personnel and administrators, and -- at the beginning of the project -- shelter workers.

Interestingly, 19 of the families interviewed continued to send their children back to the home school in their original neighborhood. In every case but one, they did so without anyone at their home school knowing either that they had become homeless or that they no longer resided "in district." In these cases, continuing the children in their home school was accomplished with great economic and practical hardship to parents and their children. It involved getting up early in the morning, riding buses great distances, carrying smaller children and using money which might be saved for a rent deposit. No family interviewed received transportation assistance, except families whose children attended special education schools.

The lack of transportation rendered the opportunity to remain at a home school virtually meaningless for most

families. , Shelter operators, school administrators, parents and the state coordinator of McKinney all noted that the ability to provide transportation was critical to the ability to offer a child the right to remain enrolled at his or her home school.

There are no guidelines for determining "the best interest of the child" in Illinois or Chicago as provided by the McKinney Act, and there has never been a proceeding to determine such interest.

Comparable services are not provided to homeless children. They do not receive access to tutoring or counseling, before or after school programs, preschool programs or appropriate gifted or special education programs.

School records, immunization records, birth certificates or guardianship documents, and evaluations are available erratically and frequently after long delays. This bureaucratic snarl constitutes an additional barrier to education for homeless children, leaves many students out of school for longer periods, and places an undue burden on parents.

No laws or policies have been revised in Illinois or in Chicago. Certainly homeless children have not been assured that they may succeed in school and receive the services to which they are entitled.

There was wide variation in the consciousness and

assistance on the part of shelter personnel concerning educational issues for children. Some shelter directors were unable to identify the name of their local school or the principal of the school where they sent their resident children. Others had developed active and ongoing relationships with principals, local school councils and counselors -- one going so far as to institute a regular program of visitation to the shelters by teachers and personnel in the nearby school to familiarize them with the needs of homeless families and shelter staff. Other shelters reported that despite their best efforts, their children were never offered space in pre-kindergarten classes or told of after-school programs or special events. Approximately one-quarter of the shelters had developed arrangements with their local public schools which allowed for immediate enrollment of resident children upon verbal verification by the shelter that immunizations were up-to-date. Only one of the shelters had a certified teacher on staff who worked actively with both pre-school children and with older children, helping with schoolwork and school concerns.

Often the barriers to education for homeless children in Chicago include the trivial. One mother in a private shelter on the South side was unable to obtain her child's report card from the public school near the shelter at the end of the school year, because the

textbook turned in by her son had a different name than his written in it. The principal required her to pay the price of the book before her son's report card was released. That principal had just been fired by the local school council.

Furthermore, the State Plan in Illinois is essentially boilerplate. Until very recently, there has been no program to address barriers or to provide widespread notice and knowledge to the involved parties.

"And we are homeless, homeless
moonlight drifting on a midnight lake"

Graceland
Paul Simon

Policy Recommendations

The problem of access to education for homeless children is simultaneously simple and complex. Complex and critical is the underlying need for affordable housing for low income families. Chronic poverty and a continual crisis in housing is creating a large population of transient children unable to remain in a school where they belong, where they feel identified with friends and some adults, and where they are able to learn and grow. Without access to continuity in schooling, they are doomed to failure and instability. Transferring from two or three schools in a given year is ruinous for

a child -- and a school system. Compassionate public policy for homeless children turns out to be effective and practical social policy for public education, for it impacts a population far greater than the "technically" homeless.

The simpler aspects of the problem are the removal of barriers to schooling, the very issues addressed by the McKinney Act. Because these barriers are also faced by a significant percentage of school-age children who are also highly transient, the solutions which allow access to education for homeless children are vital to addressing a much bigger crisis in education and schooling.

* School personnel must try to hold on to their students and find ways to allow them to remain enrolled in a school where they are known. For homeless children, this means that children and families must have knowledge of their <u>right</u> to remain enrolled in their home school. When parents ask for a transfer, all schools must encourage parents to consider continuing their child's enrollment where they are already in school. The pedagogic value of continuity in education must be widely talked about and placed high among the considerations of schools and families.

* The right to continuity is meaningless

without access. Free bus passes must be available to all school age children, as they are in New York City. Only with this flexible and simple method of transportation available to school children, will the choice of enrollment based on the "best interest of the child" have substance. In addition, school bus scheduling must allow for flexibility and assume the mobility of the population, so that children with special needs can be picked up at a new address within days.

* Children of families in a housing crisis or frequently moving must be offered supplemental tutoring and catch-up help in before- or after-school programs. Currently, all education practice and policy pushes these children into special education assessments rather than the temporary special tutoring we would want for our children if they missed school for a medical emergency.

* The paperwork barriers and varying bureaucratic practices required to transfer schools currently impose a major burden on parents already overwhelmed with problems. Children should be provisionally enrolled immediately upon computer, fax or telephone verification that immunization records are in order. School records must be sent within two days.

* Discrimination against homeless children must be challenged and parents must know of their legal and educational rights. Homeless students may not be

separated or stigmatized and must receive comparable services to other children. This includes immediate involvement in after school programs, athletics, music and the cultural life of the school. Coordination between schools and homeless shelters will at least further some understanding of the problems of the actual lives of children in housing crises. Too often, they remain invisible in their school, passing through.

We know that education is a creative interactive process. Seeing the learner, affirming the strengths of a homeless child in the face of upheaval and crisis, is critical to providing that child with an opportunity to develop.

"Salvador inside that wrinkled shirt, inside the throat that must clear itself and apologize each time it speaks, inside that forty-pound body of boy with its geography of scars, its history of hurt, limbs stuffed with feathers and rags, in what part of the eyes, in what part of the heart, in that cage of the chest where something throbs with both fists and knows only what Salvador knows, inside that body too small to contain the hundred balloons of happiness, the single guitar of grief, is a boy like any other disappearing out the door, beside the schoolyard gate..."

"Salvador Late or Early"
Woman Hollering Creek
Sandra Cisneros

APPENDIX

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APPENDIX A

Additional Federal Law

In addition to the McKinney Act, federal law provides four other systems, applicable to homeless children and youth. Perhaps most relevant is the Early Intervention Program for infants 0-2 and their families, a discretionary grant-in-aid program which mandates free services to children with developmental delays, including those who are "at risk of having substantial developmental delays if early intervention services are not provided."[1] This program focuses on the family's needs and requires the development of a written, individualized family service plan (IFSP) requiring parent consent and participation.[2] The section of Early Intervention law which provides that it become an entitlement in its fifth year and explicitly includes a private right of action for parents, has now been delayed an additional year by Congress.

Head Start programs for children ages 3-5 is not an entitlement, and because of inadequate funding has served

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[1] 20 U.S.C. secs. 1462-1485, 1472(1), Education of the Handicapped Act Amendments of 1986, P.L. No. 99-457, 100 Stat. 1145 (1986).

[2] 20 U.S.C. secs. 1472(2)(G), 1476(b)(3), 1477(a)(1) and (2), 1477(c), 1480(5) and (6).

just over 25% of all eligible children. In FY 1991, Congress approved a major expansion intended to increase the population served to 40% of eligible preschoolers and projected funding increases that would reach all eligible children by 1994.[3]

The Chapter 1 program[4] funds local school districts based on distribution of low-income school children to promote equity in educational outcomes. Until 1988, these funds could be used only for programs for "qualifying children", leading to further stigmatizing and segregating consequences. Now, if 75% of children at a school qualify, the school may ask for a waiver and use Chapter 1 funds for general programs. Unfortunately, only three Chicago schools have written to request, and receive, the waiver.[5]

Though still typically used for reading and math "pull-out" programs, these funds are available to a local school for a variety of permissible uses ranging from "effective schools programs", reducing class size, intensive summer schools, parental involvement activities

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[3] Kathleen Boundy, Changing Educational Outcomes for Young Children from Low-Income Families, Center for Law and Education, 1991, fn. 46.

[4] 20 U.S.C. secs. 2700-et.seq., originally created by title 1 of the Elementary and Secondary Education Act of 1965 and comprehensively amended by title 1 of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988, Pub. L. No. 100-297, 102 Stat. 130 (1988).

[5] Interview with G. Alfred Hess, Executive Director, Chicago Panel on Public School Policy and Finance, April 2, 1991.

and facilities, and equipment and materials.[6]

Furthermore, the re-named Individuals with Disabilities Education Act ("IDEA")[7] entitles all school age disabled children to a free, appropriate public education with their non-disabled peers to the maximum extent appropriate to meet their needs. Higher state law standards are enforceable as an IDEA entitlement. In response, the Illinois State Board of Education is now acting to conduct a comprehensive review and analysis and to "revise" Illinois regulations which exceed federal law and regulations, court decisions and policies.[8]

The law requires the development of an Individualized Educational Plan ("IEP") for each child, with parental notice and involvement whenever the school proposes or refuses to inititiate or change the identification, evaluation, educational program or placement of their child.[9]

Preschool programs for children 3-5 with

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[6] 20 U.S.C. Secs. 2721(a)(2) and 2725(a). In addition, it was recently reported that a study indicated a strong correlation between educational programs of any sort for parents and school improvement for children. "Teaching Mom Helps Kids", San Francisco Chronicle, August 17, 1991 at C1, reporting on To Teach the Mother and Reach the Child, Wider Opportunities for Women, Washington, D.C.

[7] 20 U.S.C. Secs. 1400 et seq., formerly known as the Education for All Handicapped Children Act.

[8] Official Policy Memorandum #91-46M from Gail Lieberman, Assistant Superintendant, Department of Special Education, Illinois State Board of Education dated August 22, 1991.

[9] 20 U.S.C. Sec. 1415(b)(1)(C); 34 C.F.R. Sec. 300.504(a); 34 C.F.R. Sec. 104.36.

disabilities are now an entitlement pursuant to title II of the Education of the Handicapped Amendments of 1986.[10] Only seven jurisdictions are currently not providing special education services for all members of this population. All pre-school children in the 44 participating states are entitled to the same substantive rights as school-age children under Part B of the IDEA. This, however, presents a difficult dilemna for parents of homeless children in need of preschool programs since the continued limited funding of Head Start and state pre-kindergarten programs tends to push them into special education programs for their children, where they are entitled to programs.

Section 504 of the Rehabilitation Act of 1973 prohibits discriminatory practices and provides for an appropriate education for disabled students using a qualitative standard: regular or special education services "designed to meet the individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met."[11]

Finally, the Illinois School Reform Act mandates a massive decentralization of Chicago school organization and decision-making from one district to 600 local school councils. It further provides in fiscal year 1991 and thereafter, from other funds available, the Board shall

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[10] 20 U.S.C. Sec. 1419.

[11] 34 C.F.R. Secs. 104.4(b)(1)(ii), (iii), and (vii).

"allocate a lump sum amount to each local school based upon the school enrollment and the special needs of the student body."[12] This is a potential source of compensatory and additional funding for schools who serve a large population of homeless children.

Clearly, this panoply of federal and state laws provides a rich field for litigators representing homeless children and their parents. However, these separate systems of compensatory education too frequently result in lowered expectations, diluted curricula, less varied and stimulating educational experiences and the stigmatizing "tracking" of special education, developmental or poverty systems.[13] To develop a policy which pushes parents into obtaining a special education classifications for their three year old as a means of providing pre-school stimulation and child care, for example, is just so much short-sighted social structure.

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[12] Ill. Rev. Stat. ch. 122, par. 34-2.3, 4.

[13] Boundy at Sec.V; Office of Educational Research and Improvement, U.S. Dept. of Education, The Current Operation of the Chapter 1 Program 85-87, 1987; Gartner & Lipsky, "Beyond Special Education: Toward a Quality System for all Students", Harv. Ed. Rev., 367-95 (Nov. 1987); Singer & Butler, "The Education for All Handicapped Children Act: Schools as Agents of Reform", Harv. Ed. Rev. 125-52 (May 1987); Madden, Slavin, Karweit, Dolan & Wasik, "Success for All", Phi Delta Kappan, 593-99 (Apr. 1991).

EXHIBIT B

CHICAGO PUBLIC SCHOOLS • 1819 WEST PERSHING ROAD • CHICAGO, ILLINOIS 60609

Ted D. Kimbrough
General Superintendent of Schools
312/535-3700
FAX 312/535-3721

April 4, 1991

Ms. Connie Wise
Assistant Superintendent
Planning, Research and Evaluation
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

Dear Ms. Wise:

Enclosed you will find a conservative estimate of the number of homeless children and youth served by the Chicago Public Schools. This estimate is considered conservative because of the number of unreported students who live in abandoned buildings or apartments, automobiles or trucks, bus or train stations or on the streets.

On March 28, 1991, the City of Chicago, Department of Human Services, was consulted with regard to these statistics. In addition, on April 3, 1991, my designee, Mrs. LaVerne Davis-Sams, met with Dr. James Stronge, the principal investigator for the 1989 Illinois Homeless Youth and Children's Study, and Mr. John Edwards, Homeless Coordinator for the Illinois State Board of Education. Dr. Stronge and Mr. Edwards both concur with the estimates we are submitting.

Thank you for your cooperation with the Chicago Public Schools with regard to this survey.

Sincerely,

Ted D. Kimbrough
General Superintendent of Schools

TDK/ae
Enclosure

cc: Mr. Robert A. Sampieri
Mrs. Marj Halperin
Mrs. LaVerne Davis-Sams
bcc: Ms. Bertha Magana

SURVEY OF HOMELESS YOUTH AND CHILDREN OF HOMELESS FAMILIES

HOMELESS ENROLLED:	AGE Elementary (K-6)	Junior (7-9)	High School (10-12)	
Living on the street [1]	68	115	266	449
Shelter [2]	558	132	83	773
Doubling-up [3]	2307	832	961	4100
Totals	2933	1079	1 310	5322

Among students NOT enrolled but living in your school area (please fill in numbers in appropriate spaces - if none, enter 0):

HOMELESS NOT ENROLLED:	Preschool	AGE Elementary (K-6)	Junior High (7-9)	High School (10-12)
Living on the street [1]				
Shelter [2]				
Doubling-up [3]				

Definitions

1. Living on the street: On the street, bus stations, car, tent, abandoned building or similar.

2. Shelters: i.e., temporary shelter, such as a homeless shelter, runaway shelter or similar.

3. Doubling-up: staying temporarily with friends or relatives (whether or not the parent is also doubling up)- e.g., staying on a couch in the living room or others.

CHICAGO, IL. District 299
Principal City(s)/Town(s) Served By The District

LaVerne Davis-Sams (312) 535-8040
Person Completing The Form Telephone

APPENDIX C

INTERVIEWS WITH FAMILIES IN CHICAGO HOMELESS SHELTERS

Families Interviewed:	142 families
Number of Children:	558 children
Children not living with parents in shelter	117 children
School age children	319 children

EXHIBIT D

Do You Have School Age Children?

If your answer to this question is yes, we need your help... and we may be able to help you.

The Legal Assistance Foundation of Chicago provides free legal help to low income people in the city of Chicago. We are starting a special project to learn about the needs and problems people have in getting their children an education.

Children who are in a housing crises or homeless have a right to continue to attend their home school if that is in their "best interest" and to receive a quality education. It is against the law to discriminate against a child because of a housing crisis, or because the child lost time in school or attended several schools.

We want to learn more about your experiences with schools, and with enrolling your children in the appropriate school.

* Were you given notice about your children's right to remain in their home school?
* Were you given help in promptly obtaining school records?
* Were you offered transportation, school lunch, extra tutoring, participation in before school or after school programs, in finding the appropriate special education program for your child?
* Have you been made welcome at school?
* Have you been treated poorly or steered away from the appropriate school?

To learn more, we would like to talk to you.

Come speak to us on Tuesday, May 7th, 1991 at 10:30 A.M. at Family Rescue

LEGAL ASSISTANCE FOUNDATION OF CHICAGO; 343 South Dearborn Street; Chicago, Illinois 60604

EXHIBIT E

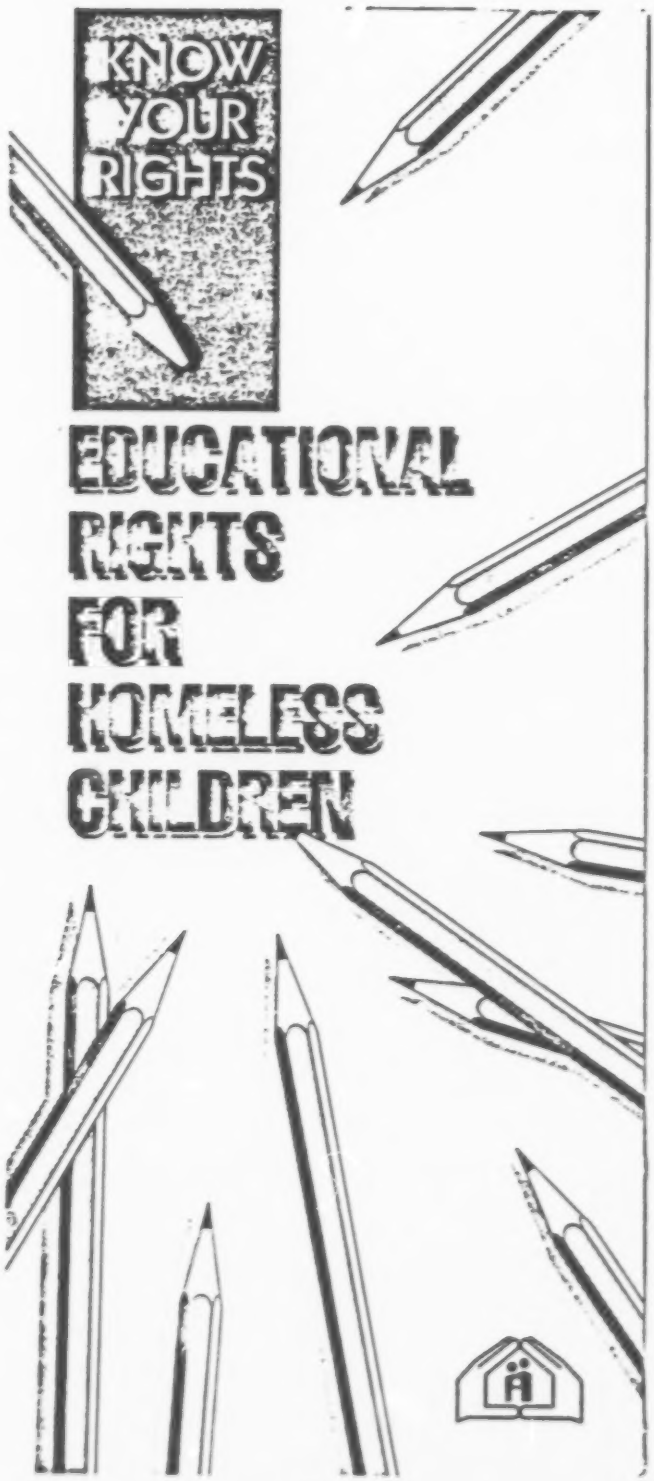
KNOW YOUR RIGHTS
EDUCATIONAL RIGHTS FOR HOMELESS CHILDREN

EXHIBIT F

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Chairman

Robert Leininger
State Superintendent

April 25, 1990

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Illinois State Board of Education
Urban and Ethnic Education

TO: Regional Superintendents
District Superintendents

FROM: Robert Leininger

SUBJECT: Legal Opinion Regarding Residency

Attached is a legal opinion involving the question of determining the residency of homeless children. We have determined that under the present provisions of The School Code all children of school age are entitled to a free public education in the school district wherein they reside. The Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. 11301 et seq.) defines homeless individuals. That definition and its application in Illinois are discussed in the attached legal opinion.

I trust that this information will be of assistance to you in determining how to comply with the legal requirements relative to homeless children. If you have further questions, please contact John Edwards at 312/814-3606.

While this opinion may have general application to other types of residency questions, usually each situation must be considered individually due to exceptional circumstances. If you have any questions, please contact the appropriate department of our agency (e.g., Special Education, Recognition and Supervision).

ILLINOIS STATE BOARD OF EDUCATION

100 North First Street • Springfield, Illinois 62777-0001

Thomas Lay Burroughs
Chairman

Robert Leininger
State Superintendent

April 25, 1990

TO: Regional and District Superintendents

FROM: David A. Thompson DAT
Acting Legal Advisor

SUBJECT: Application of Residency Requirements to Homeless Children

As you may know, in 1987 Congress enacted the Stewart B. McKinney Homeless Assistance Act. (Public Law 100-77, 42 U.S.C.A. 11301 et seq.) The Act, which makes various types of assistance available to the homeless, includes provisions intended to ensure that homeless children have the same opportunity to receive a free public education as other children. Section 103(a) of the Act defines the term "homeless individual" to include:

> (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
> (2) an individual who has a primary nighttime residence that is --
>
> (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
> (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
> (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
>
> (42 U.S.C.A. 11302(a).)

Pursuant to approval by the U.S. Secretary of Education, State plans must address the educational needs of homeless

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children, the Act makes grants available to the states. Illinois is a grant recipient under the Act. The grant must be used to carry out the policy set forth in Section 721 of the Act, which states:

> It is policy of the Congress that --
>
> (1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and
>
> (2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.
>
> (42 U.S.C.A. 11431.)

Illinois does have a residency requirement as a component of its compulsory school attendance law. Section 26-1 of The School Code requires that a child between the ages of 7 and 16 years of age "attend some public school in the district wherein the child resides...." Moreover, while school districts are required to provide "a sufficient number of free schools for the accommodation of all persons in the district over the age of 5 and under 21, and to secure for all such persons the right and opportunity to an equal education..." (emphasis added, School Code, Section 10-20.12), they are also required to charge tuition to non-resident students (School Code, Section 10-20.12a.) Accordingly, if homeless individuals are considered under Illinois law as having no residence for school purposes, or if they are considered residents of their last "permanent" home despite their presence in a different district, homeless children would be denied a free public education in violation of the McKinney Act.

In order to comply with Section 721 of the McKinney Act, we have therefore reviewed Illinois school residency requirements to determine whether homeless children -- whether they are part of a homeless family or living on their own -- have the right to a free public education and are not denied this right because they or their families lack a permanent home. It is our opinion that Illinois law has long guaranteed homeless individuals the same right to a

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free public education as that available to other Illinois residents.

In 1916, the Illinois Supreme Court in Ashley v. Board of Education, 275 Ill. 274, considered whether children who had been placed in an orphanage by parents or guardians who were unable to care for them were residents of the school district where the orphanage was located, and were therefore entitled to attend the district's schools without paying tuition. In holding that such children were entitled to attend school in the district where the orphanage was located, the court stated:

> It is not essential to the right of a child to attend the public schools of the State that it should have a legal domicile in the place in which the school is held. The schools are required to be maintained for all persons in the district over the age of six and under twenty-one years of age. The residence required under this language is not such as would be required to establish a right to vote or which would fix the liability of a township or county for the support of a pauper. The right to attend school is not limited to the place of the legal domicile. A residence, even for a temporary purpose, in a school district is sufficient to entitle children of school age to attend school. A man may leave his home for a temporary purpose, and, according as the exigencies of his interests or his business or his public or private employment require or his pleasure dictates, may reside for a longer or shorter time in a different part of the State. He does not thereby lose his legal domicile or his right to vote there at elections. ... His children, however, would not be obliged to attend school in the district of his domicile. Within the meaning of the School law they would be in the district of his temporary residence and entitled to attend school without the payment of tuition and without any transfer from the district of his domicile. The only requirement, so far as residence is concerned, is dwelling in the school district. Every child of school age in the State is entitled to attend the public schools in the district in which it actually resides for the time being, whether that be the place of its legal domicile or the legal domicile of its parents or guardian, or not. This has always been the view which has been held, so far as we are informed, by those charged with the administration of the School law. In Bateman's Common School Decisions (ed. of 1890, p. 135,) it is said:

> "Children who have been apprenticed or adopted

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> into a new family or who have been placed permanently in the care of others with no intention of withdrawal, or those over whom parents have relinquished all control from whatever cause, or those who have no parents or guardians or whose parents or guardians live in another State or country and exercise no control over their children, or those who have no permanent abode but go from place to place in search of employment and whose only home is where they find work, -- the children included in all the above classes are to be enumerated in the district where they live and are entitled to all the rights and benefits of the free schools in said district."
>
> (275 Ill. at 278-280.)

The quoted passage from Ashley remains the law in Illinois. As another court recently stated, "Ashley...made clear...that a residence, even for a temporary purpose, in a school district is sufficient to entitle children of school age to attend school, so long as the residence is not established solely to enjoy the benefits of free schools." (Connelly v. Gibbs (1983), 112 Ill. App. 3d 257, 261.) In determining whether a child is a resident of a school district who is entitled to a free public education in the district's schools, Illinois law therefore requires only that the child actually live somewhere in the district, and that the reason for the child's presence in the district is not simply to attend the district's schools. (See Turner v. Board of Education (1973), 54 Ill. 2d 68 (holding that a minor who left her parent's home and lived with a brother solely for the purpose of attending a public school in the brother's district was not a resident of the brother's district for school purposes.)

This same rule for determining residency applies to the homeless as defined in Section 103(a) of the McKinney Act and to permanent residents of a district. In regard to the homeless, the test is not whether a student or his family maintains a permanent residence in the district, but whether the homeless family or individual homeless student is physically living within the district's boundaries and the reason for the family's or individual's living arrangement is not solely to take advantage of the district's schools. Under this residency test, homeless students enjoy the same right to a free public education in the district of their current residence as is enjoyed by other Illinois residents.

Section 721 a 6. the McKinney Act further requires that each State plan contain assurances that school districts will comply with the following requirements to

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EXHIBIT C

MCKINNEY ACT FUNDS ALLOCATED TO ILLINOIS[1]

FY 1987

$180,551.00 received March 1988

Funds used for Bradley University study and for administrative purposes.

FY 1988

$183,000.00 received August 1989

Funds used for administrative purposes and to Bradley University to develop management information system to convert municipal data on county level to school district level.

FY 1989

$189,675.00 received June 1990

Funds used for administration, state-wide workshops and to reserve for pilot projects.

FY 1990

$192,867.00

Funds used for administration and $400,000 from reserve to pilot projects under amendments.

FY 1991

? expected October 1991

Funds to be used for administration, some pilot projects, and information dissemination (posters, directory of resources, re-print of Know Your Rights pamphlet).

---

[1] Data provided by Illinois State Coordinator, John Edwards, by telephone interview September 17, 1991.

former district or in the student's new district. Second, the Ashley case requires that residency decisions be made regardless of whether a homeless child is living with homeless parents or has been temporarily placed elsewhere by the parents. Third, each homeless child in Illinois has access to comparable services offered to other students in the district. As noted above, Section 10-20.12 of The School Code provides that school districts have a duty to establish "a sufficient number of free schools for the accommodation of all persons in the district over the age of 5 and under 21 years, and to secure for all such persons the right and opportunity to an equal education in such schools...." Fourth, The School Code and the Illinois School Student Records Act require that student records, including the records of homeless students, be maintained in compliance with federal law and be promptly transferred when a child transfers to a new school. (See School Code, Section 2-3.13a; Ill. Rev. Stat. 1987, ch. 122, par. 50-1 et seq.)

We therefore believe that Illinois law fully complies with the letter and spirit of the McKinney Act. If you need further information concerning the implementation of the McKinney Act in Illinois, please contact Project Supervisor John Edwards at (312) 814-3606.

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the extent practicable under requirements relating to education established by State law":

* * *

(3) The local educational agency of each homeless child or youth shall either --

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained --

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with [federal law concerning student records].

(42 U.S.C.A. 11432(e)(3-6).)

We believe that Illinois law is consistent with each of these requirements. First, any student, including a homeless student, who moves from one district to another in the middle of a school year has the option under Section 10-20.12a of completing the school year in the student's

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EXHIBIT H

CHICAGO PUBLIC SCHOOLS • 1819 WEST PERSHING ROAD • CHICAGO, ILLINOIS 60609

Ted D. Kimbrough
General Superintendent of Schools
312/535-3700
FAX 312/535-3721

August 27, 1991

Ms. Laurene Heybach
Legal Assistance Foundation
Homeless Advocacy Project
343 South Dearborn Street
Chicago, Illinois 60604

Dear Ms. Heybach:

I would like to take this opportunity to thank you for your cooperation with the Chicago Public Schools by participating in the Principals Professional Development Workshop Series on August 20, 21, and 22, 1991. It is my understanding that our Chicago Public Schools' principals and staff were provided valuable information on the Educational Rights for Homeless Children and Youth through your presentations.

We are all aware that the number of homeless families with school-age children is increasing and that many of these children are not attending school. The Chicago Public Schools is embarking upon the sensitive mission of trying to identify and enroll as many of these children in school as possible. I was made aware of your cooperation with the Chicago Public Schools through complaints filed against the District with your office during the past school year. Also, I am pleased to know that you will continue this cooperation as we seek to ensure that all of Chicago's homeless children and youth are provided the same free appropriate education that our other students receive.

Again, thank you for your support. We look forward to your cooperation with the Chicago Public Schools toward our common goal of providing educational services to Chicago's homeless children.

Sincerely,

Ted D. Kimbrough
General Superintendent of Schools

TDK:ae

cc: Mrs. LaVerne Davis-Sams

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EXHIBIT I

WORKING WITH HOMELESS FAMILIES:

SUGGESTIONS FOR SCHOOL PERSONNEL

Determine whether there are any shelters or hotels/motels housing homeless families in your attendance area. If so, contact personnel and establish a shelter-school communication system. Discuss the policies and programs of your school or district with shelter staff and ask them to explain their program. Ask shelter staff to inform you when a child moves into their facility and to let you know when children and their families are planning to move out of the shelter.

Have a "personnel exchange" day with local shelters or service providers who are working with families living in hotels/motels. Have personnel from your school or district "shadow" a member of the shelter's staff for a day to gain insight into his or her roles and responsibilities. Then reverse roles. This exchange will help both parties understand how the other operates and can lead to collaboration.

Send copies of newsletters, notes, and school calendars to the shelters to keep them informed of school activities. Advertise in the hotels/motels and shelters. Put up posters that describe special programs the district or school has to offer (e.g. adult education, vocational education, tutoring programs, social centers, etc.).

Try to arrange an agreement with the shelter for teachers to make "home" visits. At the initial meeting, discuss how the parents can be involved in the education of their children and the role the school plays in their children's lives.

Establish home-reading programs in the shelter. Donate books and, if possible, a specified number of volunteer hours to be spent organizing and directing the reading program.

Volunteer to be an after-school tutor for children in shelters. Work with shelter personnel to organize the program. Ask local libraries to donate space for the tutoring sessions.

Designate a contact person in each school and district for shelter personnel, social workers, and homeless families to call as questions and problems arise. Give the name and telephone number of this person to local service agencies.

Have school volunteers go to shelters to talk firsthand with families; they can help parents enroll their children in school, explain school or district policies, describe upcoming activities, and give parents ideas on how they can become involved in school

programs.

Sponsor a "material/clothing drive" to collect school supplies (crayons, pencils, pater, notebooks, etc.) and clothing to have on hand at the beginning of the school year. Homeless parents may not be able to afford these materials. Having them available will prevent children from starting the school year without the needed supplies or clothing and will help them avoid any feelings of embarrassment.

Keep in mind that children living in hotels/motels and shelters may not have access to television sets-or there may be many others sharing the sets-and assignments that involve watching television may not be completed.

Establish a "buddy system." When a homeless child first comes to school, have another child show the child around the school and introduce her or him to others.

Try to ensure that homeless children have an opportunity to participate in schoolwide and after-school activities.

Have available a set of screening instruments that an aide or volunteer can quickly administer to give teachers immediate information about the abilities of the student being placed.

Homeless children often have little or no structure in their everyday lives. Provide them with structure in the classroom by keeping a consistent daily schedule with clear, concise rules. If you plan to have a substitute teacher or make any changes in the classroom routine, let them know ahead of time. Include transitional procedures.

Provide "closure" for homeless children if you know they are planning to leave your school. Provide them with a special time to clean out their desks or lockers and to say good-bye to their friends and teachers. Give them copies of their transfers when they leave.

Make sure that school breakfast and lunch programs, as well as all other programs and activities available to non-homeless children, are available to the homeless children without barriers and stigma.

Schedule Homeless children and Their Families as a topic for one of your district's or school's in-service meetings.

Include your District and Local School Council members when planning activities for homeless children and their families.

(These suggestions were adapted from "Working with Homeless Families: Strategies for School Personnel," produced by the Office for the Education of Homeless Children and Y uth, Massachusetts Department of Education, Quincy.)